S.B. CIVIL WRIT PETITION NO. 6885/2006.
(RAMESHWER SINGH VS. STATE & ORS.)

DATE OF ORDER : 01.12.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Harish Mathur for the petitioner/s.

By this petition for writ, a challenge is given to the order dated 15.07.2006, whereby the petitioner is transferred from Panchayat Samiti, Sojat to Panchayat Samiti, Shahbad in district Baran as Junior Engineer.

It is contended by counsel for the petitioner that while making appointment of the petitioner, an assurance was given as apparent from Annexure 1 that the persons selected as Junior Engineer shall be either posted in his home district or a district nearby to the home district, but the order impugned dated 15.07.2006, the transfer of the petitioner is made outside the home district and that too at a distant place and, therefore, the same is illegal.

Heard counsel for the petitioner.

The petitioner is holding the post of Junior Engineer and the petitioner failed to satisfy as to how and why the

authority competent erred while effecting transfer of the petitioner. Merely on the count that by some administrative instructions, it was stated that the persons selected as Junior Engineers shall, as far as possible be kept in their home district or a district nearby to home district, does not create any right to be posted at the place of choice of the employee. It is well settled that the order of transfer can be challenged only if it is in violation of Statutory rights or is an out come of mala fides or is shocking arbitrary. No such circumstance exists in the present case and, therefore, this petition for writ is having no merit, the same, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/